## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

LARRY JAMES FORSYTHE,	) Case No.: 2:10-cv-01316-GMN-PAL
Petitioner,	ORDER
VS.	)
WARDEN NEVEN, et al.,	) )
Respondents.	) )
	)
Larry James Forsythe, a Nevada pr	risoner, has filed a petition for a writ of habeas corpu
pursuant to 28 H.S.C. 8 2254 (FCF No. 1)	and has paid the filing fee (FCF No. 2). Therefore

Larry James Forsythe, a Nevada prisoner, has filed a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1) and has paid the filing fee (ECF No. 2). Therefore, the habeas petition will be filed and docketed, and will be served upon the respondents.

Petitioner has also filed a "motion to dismiss" (ECF No. 5) which is an attempt to have the court dismiss the criminal charges that are pending against him. Respondents shall be directed to address the motion to dismiss as a supplement to the petition.

The court notes that this petition attacks petitioner's pre-trial custody and, as a result, the petition shall be construed as made pursuant to 28 U.S.C. § 2241. *McNeely v. Blanas*, 336 F.3d 822, 824 n.1 (9th Cir. 2003).

IT IS THEREFORE ORDERED that the Clerk shall ELECTRONICALLY SERVE a copy of the petition for writ of habeas corpus, a copy of the motion to dismiss and a copy of this order upon respondents.

IT IS FURTHER ORDERED that the respondents shall file and serve a notice of appearance of counsel within twenty (20) days of entry of this Order.

IT IS FURTHER ORDERED that within thirty (30) days of entry of this Order, respondents shall file and serve an answer or other response to the habeas corpus petition and motion to dismiss.

IT IS FURTHER ORDERED that, if respondents file a motion to dismiss in response to the habeas petition, petitioner shall have **thirty** (30) **days** to respond to such motion, and respondents shall, thereafter, have **twenty** (20) **days** to reply. The court will not entertain successive motions to dismiss from either party. If respondents file an answer in response to the petition, petitioner shall have 30 **days** to file a reply to the answer.

IT IS FURTHER ORDERED that, henceforth, petitioner shall serve upon the Attorney General of the State of Nevada a copy of every document he submits for consideration by the Court. Petitioner shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the Attorney General. The Court may disregard any paper that does not include a certificate of service. After respondents appear in this action, petitioner shall make such service upon the particular Deputy Attorney General assigned to the case.

DATED this 4th day of October, 2010.

Gloria M. Navarro

United States District Judge